

The CDLE UI Appeals Branch, Representatives, and Representative Companies have all increased the use of automated processing procedures and computer scanning to handle claims. CDLE UI Appeals Branch would appreciate your assistance in implementing the following changes and modifications in such a way as to make the process as efficient and seamless as possible for all concerned.

#### **PREHEARING SUBMISSIONS:**

When you submit an appeal to a decision, include the Notice of Decision that is appealed. Additionally, be sure to make a clear statement describing what it is that you disagree with and why. It is not sufficient to simply state "see attached," especially if the referenced documentation does not have a clear appeal statement.

We have received appeals that attach the wrong B6 Notice of Decision: either the claimant had more than one decision and the wrong one was attached, or the B6 was for a different claimant entirely. PLEASE MAKE SURE THAT THE CORRECT DECISION IS ATTACHED TO THE APPEAL, AND THAT THE DETAILS - SUCH AS THE IDENTITY OF THE EMPLOYER AND THE NAME OF THE CLAIMANT - MATCH.

Some parties to an unemployment decision have started using bar codes to track documents. Unfortunately when bar codes are placed on copies of Division documents, they sometimes obscure important information, such as social security numbers. If you use bar codes or other tracking information, please be sure that these do not obscure information we need to process the paperwork.

#### **PREPARING FOR THE HEARING:**

Please be sure to deliver documents necessary for the hearing to the work site employer; particularly, the people who will be directly involved in the hearing. At times, hearings have been needlessly continued because documents were sent to the named representative who did not appear at the hearing. Rather, the work site employer appeared without representation and without the necessary documents to proceed. Remember, if a representative elects not to appear at a hearing on behalf of their client, it is the representative's responsibility to ensure their client has all the necessary information and documentation to go forward with their appeal.

In general documents may be considered in a hearing as long as all interested parties received copies in a timely manner, regardless of how they were delivered. However, it is risky to assume that all parties received file material from the Division, even if you received the material from the Division or with the hearing notice. If there are items in the file material that you would like to offer as evidence, we recommend that, as part of your due diligence, you to send them to all interested parties and the Division, even if you think they have already received them.

#### **POSTPONEMENT REQUESTS:**

If you need to request a postponement, do **not** make the request in writing. All too often, initial written requests lack important information upon which a determination can be based whether to grant the requested postponement. Call the Division at (303) 318 - 9299 to make the request. The analyst you speak with will make sure to get all the necessary information to process your request quickly.

### **SUBPOENA REQUESTS:**

Please submit subpoena requests in writing. You may fax your request to (303) 318 - 9247. If the request is granted, the Division will prepare the subpoena. It is your responsibility to serve the subpoena at least 48 hours before the hearing. Please be sure to submit your request far enough in advance that you have adequate time to properly serve the subpoena once it is issued.

If you want to subpoena a witness, the request must include the name of the witness, the address where the witness can be served the subpoena, and a statement that the testimony of the witness is material and not repetitive.

If you want to subpoena documents or other physical evidence, the request must include the name or a detailed description of the evidence the witness should bring to the hearing, a statement that the evidence is material, that such evidence is not repetitive, and that it does not cause an undue burden on the party to whom it is directed.

### **LATE APPEALS AND FAILURE TO APPEAR**

Regulation 12.1.7 allows for good cause for an untimely appeal from a deputy's decision or that excuses the failure to appear for a hearing to be determined based solely on written documentation presented by the moving party. If good cause is granted, the opposing party has the right to present their objections at the hearing scheduled on the issues in dispute. To assist the parties in the presentation of their case on the issue of good cause, the Appeals Branch has implemented a new procedure requiring all letters requesting a new hearing to be submitted to the opposing party at the time such statement has been presented to the Appeals Branch. This process will ensure that all parties have notice of the issues raised by the moving party in support of their motion for a new hearing and will allow the opposing party to respond, if appropriate.